



CITY OF NEWBURYPORT BOARD OF HEALTH

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Public Health
Prevent. Promote. Protect.

Board & Staff Present:

Dr. Robin Blair, Board Chair
Dr. Robert Slocum, Board Member
Dr. Sam Merabi, Board Member

Laura Vlasuk, Director of Public Health
Michael Lawler, Office Manager

Other Speakers:

Ron Beauregard, Director of Healthy Communities Tobacco Control Program
Mike Lowry, General Manager of Newburyport One Stop
Dennis Palazzo, President of the Board of Directors for Yankee Homecoming

***Remote* Board of Health Meeting Minutes** **May 26, 2022**

I. Call to Order – 7:00pm

Meeting called to order by Dr. Blair at 7:02 pm

II. Approval of Minutes from Previous Meeting

Motion to approve minutes made by Dr. Slocum, seconded by Dr. Merabi. Motion passes 3-0.

III. Appeal Hearing – Newburyport One Stop, 1 Kent Street, Newburyport, MA 01950

This agenda item was moved to after COVID-19 Update.

IV. Body Art Regulation

Dr. Merabi stated that he was very happy with what was sent over by the Body Art Practitioners through communication with Director Vlasuk. They updated their patient forms to include reference to oral herpes and getting a prophylactic acyclovir script. As long as they are using these forms going forward, they should be good. Just for clarification, Dr. Merabi noted that there was a part of the text that was ambiguous that if there was any irregularities that you could still perform the procedure, and he just wanted to make sure that everyone understood that includes lesions, cuts, scrapes, etc. or any sort of infection, just like when the Board looked at areola tattooing. The Practitioners clarified that it was already a measure they followed.

Director Vlasuk also reminded the Board that they will also need to approve the apprenticeship clause if they so choose.

Motion to approve body art to include vermillion and vermillion boarder with the prescribed regulations and also include the apprenticeship clause in body art regulations made by Dr. Merabi, seconded by Dr. Blair. Motion passes 3-0.

V. COVID-19 Update

Vaccination rates are holding the same, but our positivity rate is up, we are up to 11.08%. Dr. Blair asked where we compare to the rest of the state. Director Vlasuk explained that we are higher than our neighboring communities. Dr. Merabi asked what our booster rate was compared to the neighboring communities. That number was not calculated, but the Health Department will look for that information and relay it to the Board.

VI. Director's Report

Director Vlasuk gave an update on the department.

Pam, our Public Health Nurse, has resigned her full-time position to move to a new job with a hospice care facility. After her training period at the new job, she has agreed to come back to the City and work part-time. In the interim the department is looking for a part-time nurse to fill the need.

The department has retained Mr. John Fralick to be a contracted inspector for the City. Very certified, was director in Stoneham for years. Not just a food inspector, can do anything and fill in as Director here if needed.

Motion to approve John Fralick as contracted Health Inspector for the City of Newburyport made by Dr. Merabi, seconded by Dr. Blair. Motion passes 3-0.

**VII. Appeal Hearing - Newburyport One Stop, 1 Kent Street, Newburyport, MA 01950
*Moved from earlier on the agenda.***

Ron Beauregard gave a brief synopsis of why this fine was initiated.

On April 12, 2022 compliance checks were done in the City of Newburyport as part of a contract with the City and Massachusetts Department of Public Health. These checks are required and are not optional. The focus of the program is educational and that is what the collaborative focuses on. In this specific case, credit is due to Michael (Lowry), as he has attended the training put on by the collaborative. In addition Charles Mabardy, the owner, has signed onto an understanding of the law which includes signing a statement that he understands they must ID every customer. On this day, April 12th, a nineteen year old female was sent in. The clerk did make the sale without checking ID, but he was remorseful and respectful and understood that he should have checked the ID. Previous to this, the Kent St establishment was visited on four other occasions, but this was the first time meeting this employee. The law allowed some flexibility, but this specific section is the reason why we have the whole regulation.

Ron explained that the fine is outlined in the regulation and in the case of first offense, the fine

is \$1000. There is provision prior to this section that was initially not recognized by those reviewing the regulation, there is an additional requirement that sale to someone under 21 would result in the retail establishment not being allowed to sell tobacco products for up to 30 days. This is not something that has been pushed because the \$1000 fine is so much. In FY2023 the recommendation will be to not allow sale of tobacco products for 1-30 days. Ron does not recommend that the board go down this route because of the lack of education around this provision.

Mike Lowry, General Manager of Newburyport One Stop, does not disagree with the fact that his employee sold to a minor. He states that all staff are trained on the laws, all signage that is required is hanging, and that the POS system asks for age verification when selling these products. The employee admitted that he had sold to a minor and was very sorry. Employee offered to pay the fine, but in this employee's case there were extenuating circumstances. Employee was written up, took a training course, and was told that if it happens again that the employee would be terminated. Feels as though this fine is very harsh in the current economic environment.

Motion to reduce the fine from \$1,000 to \$300 made by Dr. Slocum, seconded by Dr. Merabi. Motion passes 3-0.

VIII. Yankee Homecoming Fees

Dennis Palazzo, President of the Board of Directors of Yankee Homecoming, spoke to the history of the event and previous fee reduction by the Board of Health. He also went through his findings on cost comparisons for other cities and towns in the Commonwealth.

Director Vlasuk went over the costs that would be incurred by the city for this event and the cost comparisons that were given by other Health Departments.

Dr. Slocum states that he will defer to the Health Director on recommendations for how many times a vendor needs to be inspected and what needs to be done. Although everyone loves Yankee Homecoming, the Board's responsibility is to the public health of the community. Dr. Merabi agreed and stated that if the Board/Department was to cut corners or not do something and an outbreak was to occur, the responsibility lies with them.

Motion to reduce the temporary food permit fee for Yankee Homecoming to \$50 per day with a max of \$350 made by Dr. Slocum, seconded by Dr. Merabi. Motion passes 3-0.

IX. Next Meeting

June 23, 2022 7:00pm (fourth Thursday)

X. Adjourn

Motion to adjourn made at 7:50pm by Dr. Merabi, seconded by Dr. Slocum. Motion passes 3-0.